

October 3, 2012

**MINUTES OF A REGULAR MEETING OF
THE TORRANCE PLANNING COMMISSION**

1. CALL TO ORDER

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, October 3, 2012 in City Council Chambers at Torrance City Hall.

2. SALUTE TO THE FLAG

The Pledge of Allegiance was led by Commissioner D'anjou.

3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE

Present: Commissioners D'anjou, Gibson, Polcari, Rizzo, Skoll and Vice Chair Weideman.

Absent: Chairperson Uchima (excused).

Also Present: Planning Manager Lodan, Planning Assistant Yumul Plans Examiner Noh, Sr. Fire Prevention Officer Kazandjian Associate Civil Engineer Symons, Plans Examiner Gorbin, and Assistant City Attorney Sullivan.

4. POSTING OF THE AGENDA

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, September 28, 2012.

5. APPROVAL OF MINUTES

MOTION: Commissioner Polcari moved for the approval of the August 15, 2012 Planning Commission minutes as submitted. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Chairperson Uchima).

MOTION: Commissioner D'anjou moved for the approval of the September 5, 2012 Planning Commission minutes as submitted. The motion was seconded by Commissioner Rizzo and passed by unanimous roll call vote, with Vice Chair Weideman abstaining (absent Chairperson Uchima).

6. REQUESTS FOR POSTPONEMENTS

Planning Manager Lodan reported that the applicant has requested that Agenda Item 12B, ZON12-00001 (EAS12-00001) Mohamad Pournamdari, be continued for 60 days, but staff was recommending that it be continued indefinitely so the item can be re-advertised when the new hearing is scheduled.

Mohamad Pournamdari, applicant, stated that in order to get financing, he was exploring options to bring the plans and the zoning into compliance with each other and was therefore requesting a 60-day continuance.

Planning Manager Lodan indicated that staff had no objection to continuing the hearing to a date certain since the continuance was related to the project's financing.

MOTION: Commissioner Polcari moved to continue the hearing on Agenda Item 12B to December 5, 2012. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Chairperson Uchima).

Planning Manager Lodan announced that the hearing would not be re-advertised because it was continued to a date certain, but interested parties could leave contact information with staff and they will be notified.

7. **ORAL COMMUNICATIONS #1** – None.

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Vice Chair Weideman reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. **TIME EXTENSIONS** – None.

9. **SIGN HEARINGS** – None.

10. **CONTINUED HEARINGS** – None.

11. **WAIVERS**

11A. **WAV12-00011: NAGY BAKHOUM /OBELISK ARCHITECTS (LOUIS SILVER LIVING TRUST)**

Planning Commission consideration for approval of a Waiver of the rear yard setback requirements for an as-built addition to an existing one-story residence, in conjunction with the addition of two decks and window modifications on property located in the Hillside Overlay District in the R-1 Zone at 105 Via Los Altos.

Recommendation: Approval.

Planning Assistant Yumul introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Nagy Bakhoun, project architect, voiced his agreement with the recommended conditions of approval. He reported that two sisters recently inherited the property and in the process of remodeling it, discovered that there are no permits for a rear addition built approximately 50 years ago and they would like to bring it into compliance. He reported that he has been in contact with the neighbor (Soheila Naderesfahani – 101 Via Los Altos) who submitted a letter (supplemental material) and the neighbor and his clients have agreed to jointly construct a 6-foot high wooden fence along the property line to maintain privacy. He noted that this neighbor also mentioned a concern about a cracked retaining wall, however the wall is entirely on the neighbor's property.

In response to Commissioner Skoll's inquiry, Mr. Bakhoun explained that the unpermitted structure is a bathroom off the master bedroom and it will be reconstructed as such and brought up to code.

MOTION: Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote (absent Chairperson Uchima).

MOTION: Commissioner Polcari moved to approve WAV12-00011, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Chairperson Uchima).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 12-065.

MOTION: Commissioner Polcari moved to adopt Planning Commission Resolution No. 12-065. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Chairperson Uchima).

12. FORMAL HEARINGS

12A. MOD12-00006: CHRISTINE DENNIS-ABILLA (ALAN SCHWARTZ)

Planning Commission consideration for approval of a Modification of a previously approved Conditional Use Permit (CUP95-00036) to allow the operation of an indoor children's entertainment facility on property located within the PD Zone at 1780 Oak Street.

Recommendation: Approval.

Planning Assistant Yumul introduced the request.

Christine Dennis-Abilla, applicant, reported that the proposed facility will be the first "Pump It Up" in the Los Angeles area, explaining that it is a franchise that hosts children's parties and offers a variety of inflatables, such as bounce houses and inflatable slides.

Commissioner Skoll stated that he looked up the company on the internet because he wasn't familiar with it and was very impressed. He noted that staff has included a condition that the facility close on Sundays at 7:00 p.m. rather than 10:00 p.m. as originally proposed and that the applicant will also be required to secure a shared parking agreement to make up for the deficiency in parking (7 spaces).

Ms. Dennis-Abilla stated that she had no objection to the earlier closing time on Sundays because she wants to be a good neighbor. She reported that she has had preliminary discussions with a nearby church regarding a shared parking agreement and believes it could be mutually beneficial.

Responding to questions from the Commission, Ms. Abilla reported that the facility will have two party rooms that can accommodate 10-12 children each and that parties will be offered for children from 5 to 12 years old.

Commissioner Gibson noted that the staff report mentions that there will be new signage, and Planning Manager Lodan advised that signs can be approved over-the-counter if they meet development standards.

Commissioner Rizzo asked about security at the facility.

Brian Columbia, representing Pump It Up, reported that every franchise owner goes through a safety training program; that children are given armbands when they check in identifying which party they are with; that they are closely monitored at all times; and that surveillance cameras are optional but most facilities have them.

Commissioner Gibson questioned whether merchandise or food items will be sold at the facility.

Ms. Dennis-Abilla reported that there will be no sale of food and there will be branded merchandise for sale, but it will not be a primary focus. She stated that she was very excited to open a location in Torrance and requested approval of the project.

MOTION: Commissioner Gibson moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous voice vote (absent Chairperson Uchima).

MOTION: Commissioner Skoll moved to approve MOD12-00006, as conditioned, including all findings of fact set forth by staff. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote (absent Chairperson Uchima).

Planning Assistant Yumul read aloud the number and title of Planning Commission Resolution No. 12-066.

MOTION: Commissioner Skoll moved to adopt Planning Commission Resolution No. 12-066. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Chairperson Uchima).

12B. ZON12-00001 (EAS12-00001): MOHAMAD POURNAMDARI

Planning Commission consideration for the adoption of a Negative Declaration and recommendation of approval of a Zone Change from C-R to C-3 on property located on the east side of Prairie Avenue approximately 100 feet north of 176th Street.

Item was continued to December 5, 2012.

13. RESOLUTIONS - None.

14. PUBLIC WORKSHOP ITEMS – None.

15. MISCELLANEOUS ITEMS

15A. MIS12-00085 (REVISED): JIM DELURGIO

Planning Commission consideration of an appeal of a previously denied Minor Hillside Exemption to allow one-story additions under 14 feet in height at the front, sides and rear of the residence on property located within the Hillside Overlay District in the R-1 Zone at 209 Via El Toro.

Recommendation: Denial without prejudice.

Planning Assistant Yumul introduced the request and noted supplemental material consisting of correspondence received after the agenda item was completed.

Commissioner Rizzo disclosed that he walked the neighborhood around 209 Via El Toro but did not speak with anyone.

Commissioner Weideman disclosed that he drove by the property because he wanted to refresh his memory about the issues involved.

Commissioner D'anjou disclosed that she walked the neighborhood and viewed the site from the backyards of 513 and 509 Camino de Encanto and spoke briefly with both residents, but did not discuss the project.

Planning Manager Lodan provided background information about the project. He reported that a two-story addition was approved for this property, but the property owner elected to bring forward the proposed one-story addition, which was being considered this evening on appeal of the Community Development Director's denial of the project. He advised that staff was unable to fully assess the view impact without a certified silhouette and therefore recommended that the project be denied without prejudice.

Vice Chair Weideman asked about the status of the two-story project approved by the City Council and Planning Manager Lodan related his understanding that the entitlement for the two-story project has expired.

At the Commission's request, Assistant City Attorney Sullivan briefly summarized the Minor Hillside Exemption process.

Commissioner Skoll stated that he could not make a decision on this project without a silhouette and if the hearing goes forward he would likely vote to deny it.

Assistant City Attorney Sullivan advised that it was within the purview of the Planning Commission to request that a silhouette be erected per TMC Section 92.21.11.

Jim Delurgio, 209 Via El Toro, applicant, stated that when the City Council approved the two-story project, conditions were imposed that were highly restrictive and actually violate the Hillside Ordinance and these conditions would have made it impossible for him to enjoy his property in the same manner as other property owners if he had gone forward with the project. He asserted that the conditions were defined by neighbors who vandalized his property to create views and then insisted that these views be protected. He reported that during the City Council hearing on the previous project, the Minor Hillside Exemption process was described and erecting a silhouette was not part of the process. He expressed concerns that erecting a silhouette could work against him, recalling a recent case where the issue at hand was the shape of the driveway and after the applicant voluntarily erected a silhouette the project was denied due to view impacts.

Mr. Delurgio reported that he met with 5 of the 10 neighbors whose signatures were required for the sign-off process and was 100% successful in obtaining them and he had scheduled meetings with 3 other neighbors, but the whole process was undermined by the unethical behavior of a neighbor who illegally duplicated the plans when left unsupervised at the counter in the Community Development Department and then organized a group to oppose the project. He explained that after the plans were taken, the other meetings were cancelled and

the City began receiving letters from neighbors demanding that a silhouette be erected. He contended that the same neighbors who were allowed to create the conditions of approval for the last project were now trying to dictate the terms of the application process based on the theft of copyrighted material under the custody and control of the City.

In response to Vice Chair Weideman's inquiry, Planning Manager Lodan advised that silhouettes are not normally required as part of the Minor Hillside Exemption process, however staff requested on numerous occasions that a silhouette be constructed for this project.

Mr. Delurgio explained that he asked staff to require the silhouette and put the basis for the requirement in writing, but staff refused to do this. He recalled that in a conference call with Planning staff, the Community Development Director specifically stated that he would never require a silhouette for this project and it was his impression that this was due to his frustration with the lack of integrity of the opposition. He expressed the hope that the Commission could adjudicate this case without a silhouette. He noted that all the neighbors who oppose the project advocated for a one-story project when the two-story addition was proposed and this project is significantly smaller than the one previously approved.

In response to Commissioner Rizzo's inquiry, Assistant City Attorney Sullivan confirmed that although TMC Section 92.21.11 references the Community Development Director, the Planning Commission by extension has the authority to require a silhouette for a Minor Hillside Exemption application.

Commissioner Rizzo asked about Mr. Delurgio's rationale for not erecting a silhouette.

Mr. Delurgio stated that he did not believe his house could sustain another silhouette because they are immensely damaging and the house already has four major leaks and a mold problem. He noted that silhouettes are expensive to construct, maintain and demolish and reported that the damage caused by the previous silhouette amounted to over \$50,000 including equipment damaged by leaks. He related his experience that silhouettes have been used to create misrepresentative photos and attached to petitions to obtain signatures. He noted that the supplemental material contains a letter from Jon Spallino who signed a petition against the previous project based on misleading photos and now regrets it. He asserted that a silhouette would also interfere with the use of his property, since his family would no longer be able to enjoy the patio; that it's disruptive to sleep because the whole house shakes when there are Santa Ana winds; and that it would be a safety hazard for his children and their friends when playing in the backyard. He questioned whether his insurance policy would cover damages that result from a silhouette which was not required by law. He indicated that his main reason for not erecting a silhouette was because it only became an issue after the theft of his plans when organized opposition insisted that the project be silhouetted. He expressed concerns that he will be subjected to the same kind of discretionary abuse that occurred with the previous project as a result of his voluntarily providing a silhouette.

Mr. Delurgio asked to be allowed to show a two-minute clip from the City Council hearing on the previous project during which Mayor Scotto and Planning Manager Lodan discussed the Minor Hillside Exemption process, including the fact that a silhouette was not required.

Vice Chair Weideman polled the Commission, and Commissioners indicated that they did not wish to watch the clip.

Vice Chair Weideman noted that Commissioners were provided with a thick packet of information regarding the previous case, including minutes from meetings, and he had also watched the City Council hearing on cable at the time it took place.

Mr. Delurgio reported that the minutes from the Council meeting do not include the dialogue in the video clip and contended that minutes are often “scrubbed” of anything favorable to his case.

Vice Chair Weideman advised that minutes are not verbatim transcripts.

Mr. Delurgio reiterated his position that the video clip was germane to this application.

Vice Chair Weideman requested input from Commissioners regarding whether they wished to go forward with the hearing on the project or limit discussion to the issue of the silhouette.

Commissioner Rizzo indicated that he favored requiring a silhouette to be constructed before going forward with the hearing because he observed view corridors that could be impacted by the project during his walk around the neighborhood.

Commissioner D'anjou stated that she thought it was unfortunate that Mr. Delurgio has taken this position because she has found that a silhouette can be helpful to an applicant's case. She reported that on more than one occasion, a silhouette has proved to her that what was represented as a substantial view impact was actually more like a sliver. She expressed her willingness to make a decision based solely on her presumption of where the addition will be, however, based on that presumption she believed there would be a substantial view impairment from the neighbor's backyard.

Commissioner Polcari indicated that he would like to see a silhouette of the project before making a decision.

Commissioner Gibson stated that she would also like to see a silhouette and thought it was fair for everyone, including Mr. Delurgio.

Commissioner Skoll stated that the only way he can be fair to both sides is to see a silhouette.

Mr. Delurgio explained that he had considered voluntarily constructing a silhouette, however he looked into what had occurred when neighbors had gone through the Minor Hillside Exemption process and learned that none of the three neighbors who have been granted Minor Hillside Exemptions were required to construct a silhouette and they were not even required to obtain neighbors' signatures in all but one of the cases. He stated that he also learned that the addition at 515 Camino de Encanto, from which all the impacted views originate, is not permitted. He related his belief that his application was being treated differently based on the political clout of the opposition.

Commissioner Rizzo asked Mr. Delurgio to signify whether he was willing to construct a silhouette voluntarily with a “yes” or “no” response, and Mr. Delurgio said “yes.”

Mr. Delurgio stated that he understood that the Planning Commission was assuming the authority of the Planning Director who has chosen repeatedly not to require a silhouette during the six months this plan has been under review.

Vice Chair Weideman advised that the Commission was not taking over the responsibility of the department head, but was simply adjudicating this case.

Mr. Delurgio asked who would pay for the silhouette, and Assistant City Attorney Sullivan advised that the applicant is responsible for paying for the silhouette.

The Commission briefly discussed the scheduling of the hearing.

Nagy Bakhoun, project architect, questioned whether staff's recommendation would change, if after viewing the silhouette, they determine it would not have a significant impact.

Assistant City Attorney Sullivan advised that the Community Development Director's decision will stand because this proceeding is an appeal of that decision, however, staff can provide a supplemental recommendation if they determine that the project would not have a significant impact.

Mr. Delurgio requested that he be allowed to erect a partial silhouette because the roof has sustained leaks due to the previous silhouette.

Planning Manager Lodan wanted to make clear that staff would like a complete, certified silhouette.

MOTION: Commissioner Polcari moved to continue to the hearing to November 7, 2012, with the applicant to construct a complete, certified silhouette. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Chairperson Uchima).

Vice Chair Weideman announced that there will be no further notification of the hearing because it was continued to a date certain.

16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS

Planning Manager Lodan reported that the baseball training facility at 444 Alaska Street was considered by the City Council on September 25 and it was approved with the relocation of the entrance to the rear of the building.

17. LIST OF TENTATIVE PLANNING COMMISSION CASES

Planning Manager Lodan reviewed that agenda for the October 17, 2012 Planning Commission meeting.

18. ORAL COMMUNICATIONS #2

18A. Fred Koch, Torrance, reported that the Riviera Homeowners Association is trying to come up with objective criteria for regulating trees using regulations already in effect in Rancho Palos Verdes and Rolling Hills Estates as a model.

18B. Commissioner Skoll related his observation that there are neon signs in almost every window of Tony Roma's restaurant and questioned whether these signs are in compliance with the Code.

Planning Manager Lodan advised that staff is currently in discussions with Tony Roma's concerning their signage.

19. ADJOURNMENT

At 8:33 p.m., the meeting was adjourned to Wednesday, October 17, 2012 at 7:00 p.m.

Approved as Submitted November 7, 2012 s/ Sue Herbers, City Clerk
